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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SHABANI STEWART, for herself and all others  
similarly situated,

Plaintiffs,

v.

EARLY WARNING SERVICES, LLC

Defendant.

Civil Case No. 2:18-cv-03277-CCC-SCM

**DECLARATION OF  
JENNIFER M KEOUGH REGARDING  
NOTICE ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”) for the purposes of administering the Settlement Agreement and Release (“Settlement Agreement”) preliminarily approved by the Court in its Preliminary Approval Order (“Order”), dated February 21, 2020.

3. This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

**CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

---

<sup>1</sup> Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given such terms in the Settlement Agreement.

- a. Complaint and Jury Demand, filed on March 7, 2018;
- b. First Amended Complaint and Jury Demand, filed on November 20, 2018;
- c. Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on December 19, 2019;
- d. Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on December 19, 2019;
- e. Declaration of Gabriel Posner, Esq., Plaintiff's Counsel, in Support of Motion for Preliminary Class Action Settlement Approval, filed on December 19, 2019;
- f. Settlement Agreement and Release, filed on December 19, 2019, including the proposed Class Notices, proposed Preliminary Approval Order, and proposed Final Approval Order;
- g. List of (B)(2) and (B)(3) Class Members by State;
- h. Proportionate Share of (B)(2) and (B)(3) Class Members by State;
- i. List of (B)(2) Class Members by State;
- j. Proportionate Share of (B)(2) Class Members by State;
- k. List of (B)(3) Class Members by State;
- l. Proportionate Share of (B)(3) Class Members by State.

5. The CD-ROM was mailed on December 27, 2019 to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

#### **CLASS MEMBER DATA**

6. On December 18, 2019, JND received the (B)(2) Class List and the (B)(3) Class List which contained the names, addresses, Consumer IDs, and email addresses (where available) of individuals identified as potential Class Members. The Class Lists also indicated whether each Class Member was identified as a (B)(2) Class Member, a (B)(3) Class Member, or an individual in both the (B)(2) and (B)(3) Class ("Joint Class Members").

7. JND analyzed the raw data to remove duplicate records. JND identified 26 duplicate records and removed them from the Class List, resulting in 180,135 unique Class Member records. The breakdown of the Class Member records is as follows:

- 126,922 individuals are included in the (B)(2) Class;
- 1,425 individuals belong to the (B)(3) Class.
- 51,788 individuals belong to the Joint Class.

8. JND updated the Class Member contact information using data from the National Change of Address (“NCOA”) database.<sup>2</sup> The Class Member data was promptly loaded into a database established for this Action.

### **EMAIL CAMPAIGN**

9. On March 12, 2020, JND commenced the email campaign and e-mailed the Court-approved (B)(2) Class Short Form Notice (“(B)(2) Class Notice”), (B)(3) Class Notice, and (B)(2) and (B)(3) Class Combined Notice to the respective 124,824 Class Members who had email addresses from the data.<sup>3</sup> The Exclusion Request Form for (B)(3) Class Members was included as an attachment with each e-mailed (B)(3) Class Notice and (B)(2) and (B)(3) Class Combined Notice. A representative copy of the three e-mailed Class Notices are attached hereto as **Exhibit B**.

10. Of the e-mailed Class Notices, 9,590 were deemed undeliverable. Of the (B)(2) Class, 6,757 of the e-mailed Notices were undeliverable. Of the (B)(3) Class, 31 were undeliverable, and within the Joint Class, 2,802 e-mailed Notices were undeliverable.

### **NOTICE MAILING**

11. Pursuant to the Settlement, on March 23, 2020, JND sent the Court-approved (B)(2) Class Notice, (B)(3) Class Notice, and (B)(2) and (B)(3) Class Combined Notice to the respective 64,904 Class Members who either did not have an email address from the data or whose e-mailed

<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

<sup>3</sup> The (B)(2) Class Notice was sent to 85,915 (B)(2) Class Members. The (B)(3) Class Notice was sent to the 1,196 (B)(3) Class Members who are not part of the (B)(2) Class. The (B)(2) and (B)(3) Class Combined Notice was sent to the 37,713 (B)(3) Class Members who are also included in the (B)(2) Class.

1 Class Notice was returned as undeliverable.<sup>4</sup> A representative sample of the postcard (B)(2) Class  
 2 Notice is attached hereto as **Exhibit C**. The Exclusion Request Form accompanied the (B)(3) Class  
 3 Notice and the (B)(2) and (B)(3) Class Combined Notice.

4 12. As of May 29, 2020, JND tracked 23,506 Class Notices (16,692 (B)(2) Class Notices,  
 5 6,758 Joint Notices, and 56 (B)(3) Notices) that were returned to JND as undeliverable. Of the  
 6 undeliverable Class Notices, JND re-mailed 5,446 Class Notices (4,080 Class Notices were re-mailed  
 7 to (B)(2) Class Members, 1,364 were re-mailed to Joint Class Members, and two were re-mailed to  
 8 (B)(3) Class Members) to forwarding addresses provided by the USPS within five days. Four re-  
 9 mailed (B)(2) Class Notices were returned as undeliverable.

#### 10 **SETTLEMENT WEBSITE**

11 13. On March 9, 2020, JND established a Settlement Website  
 12 (www.FileDisclosureFCRASettlement.com) for the (B)(2) Class and the (B)(3) Class. Once users  
 13 are directed to the website address, they have the option to access a dedicated page for the (B)(2)  
 14 Class or (B)(3) Class. Each page hosts copies of important case documents, answers to frequently  
 15 asked questions pertaining to each Class, and contact information for the Settlement Administrator.

16 14. As of May 29, 2020, the Settlement Website has tracked 22,597 unique users who  
 17 registered 82,466 page views.

#### 18 **TOLL-FREE INFORMATIONAL LINE**

19 15. On March 9, 2020, JND established two dedicated toll-free telephone numbers, 1-888-  
 20 964-1158 and 1-888-964-1154, for the (B)(2) Class and the (B)(3) Class respectively. Callers have the  
 21 option to listen to an Interactive Voice Response (“IVR”) system to obtain information regarding the  
 22 Settlement, or they can leave a voicemail for the Settlement Administrator and ask questions about the  
 23 Settlement. Callers also have the option of listening to each IVR system in the Spanish-language.

24  
 25  
 26  
 27 <sup>4</sup> The (B)(2) Class Notice was mailed to 47,767 (B)(2) Class Members. The (B)(3) Class Notice was mailed to 260  
 28 (B)(3) Class Members who are not part of the (B)(2) Class. The (B)(2) and (B)(3) Class Combined Notice was mailed to 16,877 (B)(3) Class Members who are also (B)(2) Class Members.

1           16. As of May 29, 2020, 3,264 calls have been made to the (B)(2) telephone number, and  
2 1,012 calls have been made to the (B)(3) telephone number. The (B)(3) telephone number has received  
3 318 voicemails, and the (B)(2) telephone number has received 933 voicemails.

4                                   **REQUESTS FOR EXCLUSION**

5           17. The (B)(3) Class Notice and (B)(2) and (B)(3) Class Combined Notices informed  
6 recipients that if they would like to exclude themselves from the (B)(3) Class (“opt-out”), they must  
7 do so by completing the Exclusion Request Form that accompanied their Class Notice or by mailing  
8 an exclusion letter to the Settlement Administrator, postmarked on or before May 11, 2020. (B)(2)  
9 Class Members cannot exclude themselves from the Settlement.

10           18. As of May 29, 2020, JND has received 31 exclusion requests. Of these, 25 were  
11 determined to be valid, and six were determined to be invalid. Of the six invalid opt-outs received,  
12 three requests were submitted by (B)(2) Class Members. A copy of the list of Class Members who  
13 submitted exclusion requests is attached hereto as **Exhibit D**.

14                                   **OBJECTIONS**

15           19. The Class Notices informed recipients that any Class Members who would like to  
16 object to the Settlement may do so by submitting a written objection with the Court (and mailing  
17 timely postmarked copies of the written objection to Class Counsel and Defense Counsel) by May 11,  
18 2020.

19           20. As of May 29, 2020, JND is aware that three objections have been submitted to the  
20 Court and/or to the Parties.

21                                   **ADMINISTRATION COSTS AND EXPENSES**

22           21. As of May 29, 2020, JND has incurred \$64,375.95 for the work incurred in this matter  
23 for the (B)(2) Class. JND anticipates that the remaining costs will be approximately \$12,428.00 for  
24 the (B)(2) Class.

25           22. As of May 29, 2020, JND has incurred \$36,379.75 for the work incurred in this matter  
26 for the (B)(3) Class and Joint Class. JND anticipates that the remaining costs will be approximately  
27  
28

1 \$68,998.00 for the (B)(3) and Joint Class, including work in connection with benefit distribution and  
2 administration completion.

3  
4  
5 I declare under the penalty of perjury pursuant to the laws of the United States of America that  
6 the foregoing is true and correct.

7 Executed on June 1, 2020 at Seattle, Washington.

8  
9 

10 JENNIFER M. KEOUGH

# EXHIBIT A



December 27, 2019

The United States Attorney General  
And the Appropriate State Officials  
Identified on Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Attorney General or Appropriate State Official:

This notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, and on behalf of Defendant, Early Warning Services, LLC, relating to the proposed settlement of the below-referenced class action lawsuit ("the Action"). A motion for Preliminary Approval of Settlement Agreement was filed on December 19, 2019. As of the date of this Notice, the Court has not scheduled a preliminary approval hearing.

<b>Case Name:</b>	<i>Shabani Stewart, et al. v. Early Warning Services, LLC</i>
<b>Case Number:</b>	<i>2:18-cv-03277</i>
<b>Jurisdiction:</b>	<i>United States District Court for the District of New Jersey</i>
<b>Date Settlement filed with Court:</b>	<i>December 19, 2019</i>

Pursuant to 28 U.S.C. § 1715 (b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Complaint.pdf**

Complaint and Jury Demand, filed on March 7, 2018

**02 - Amended Complaint.pdf**

First Amended Complaint and Jury Demand, filed on November 20, 2018

**03 - Motion for Preliminary Approval.pdf**

Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on December 19, 2019

**04 - Memorandum of Law.pdf**

Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement, filed on December 19, 2019

**05 - Declaration of Gabriel Posner in Support of Preliminary Approval.pdf**

Declaration of Gabriel Posner, Esq., Plaintiff's Counsel, in Support of Motion for Preliminary Class Action Settlement Approval, filed on December 19, 2019



**06 – Settlement Agreement.pdf**

Settlement Agreement and Release, filed on December 19, 2019, attaching:

Exhibit A – (B)(2) and (B)(3) Class Combined Notice

Exhibit B – (B)(2) Class Short Form Notice

Exhibit C – (B)(2) Class Long Form Notice

Exhibit D – (B)(3) Class Notice

Exhibit E – [Proposed] Preliminary Approval Order

Exhibit F – [Proposed] Final Approval Order

**07 - List of (B)(2) and (B)(3) Class Members by State.pdf**

**08 – Proportionate Share of (B)(2) and (B)(3) Class Members by State.pdf**

**09 – List of (B)(2) Class Members by State.pdf**

**10 – Proportionate Share of (B)(2) Class Members by State.pdf**

**11 – List of (B)(3) Class Members by State.pdf**

**12 – Proportionate Share of (B)(3) Class Members by State.pdf**

If you have any questions regarding the details of the case and settlement, please contact defense counsel's representative at:

Cindy D. Hanson  
Troutman Sanders LLP  
600 Peachtree Street NE , Suite 3000  
Atlanta, GA 30308  
Phone: 404-885-3830

For questions regarding this notice, please contact us at:

JND Legal Administration  
1100 2<sup>nd</sup> Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

/s/

JND Legal Administration

Enclosures

Case No. 2:18-cv-03277

CAFA Notice - Attachment A - Service List

Kevin G. Clarkson  
Office of the Attorney General  
1031 W 4th Ave  
Ste 200  
Anchorage, AK 99501

Steve Marshall  
Office of the Attorney General  
501 Washington Ave  
Montgomery, AL 36104

Leslie Rutledge  
Office of the Attorney General  
323 Center St  
Ste 200  
Little Rock, AR 72201

Mark Brnovich  
Office of the Attorney General  
2005 N Central Ave  
Phoenix, AZ 85004

CAFA Coordinator  
Office of the Attorney General  
Consumer Law Section  
455 Golden Gate Ave., Ste 11000  
San Francisco, CA 94102

Phil Weiser  
Office of the Attorney General  
Ralph L. Carr Judicial Building  
1300 Broadway, 10th Fl  
Denver, CO 80203

William Tong  
Office of the Attorney General  
165 Capitol Ave  
Hartford, CT 06106

Kathy Jennings  
Delaware Department of Justice  
Carvel State Office Building  
820 N French Street  
Wilmington, DE 19801

Ashley Moody  
Office of the Attorney General  
State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399

Chris Carr  
Office of the Attorney General  
40 Capitol Sq SW  
Atlanta, GA 30334

Clare E. Connors  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813

Thomas J. Miller  
Office of the Attorney General  
Hoover State Office Building  
1305 E. Walnut Street Rm 109  
Des Moines, IA 50319

Lawrence G. Wasden  
State of Idaho  
Office of the Attorney General  
700 W. Jefferson St, Suite 210  
Boise, ID 83720

Kwame Raoul  
Office of the Attorney General  
James R. Thompson Center  
100 W. Randolph St  
Chicago, IL 60601

Case No. 2:18-cv-03277

CAFA Notice - Attachment A - Service List

Curtis T. Hill, Jr.  
Indiana Attorney General's Office  
Indiana Government Center South  
302 W Washington St 5th Fl  
Indianapolis, IN 46204

Derek Schmidt  
Office of the Attorney General  
120 SW 10th Ave  
2nd Fl  
Topeka, KS 66612

Daniel Cameron  
Office of the Attorney General  
Capitol Building  
700 Capitol Ave Ste 118  
Frankfort, KY 40601

Jeff Landry  
Office of the Attorney General  
1885 N. Third St  
Baton Rouge, LA 70802

CAFA Coordinator  
General Counsel's Office  
Office of the Attorney General  
One Ashburton Pl  
Boston, MA 02108

Brian E. Frosh  
Office of the Attorney General  
200 St. Paul Pl  
Baltimore, MD 21202

Aaron Frey  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333

Dana Nessel  
Department of Attorney General  
G. Mennen Williams Building, 7th Fl  
525 W Ottawa St  
Lansing, MI 48933

Keith Ellison  
Office of the Attorney General  
445 Minnesota St  
Suite 1400  
St. Paul, MN 55101

Eric Schmitt  
Attorney General's Office  
Supreme Court Building  
207 W High St  
Jefferson City, MO 65101

Jim Hood  
Office of the Attorney General  
Walter Sillers Building  
550 High St Ste 1200  
Jackson, MS 39201

Tim Fox  
Office of the Attorney General  
215 N. Sanders  
Justice Building, Third Fl  
Helena, MT 59601

Josh Stein  
Attorney General's Office  
114 W Edenton St  
Raleigh, NC 27603

Wayne Stenehjem  
Office of the Attorney General  
State Capitol, 600 E Boulevard Ave  
Dept. 125  
Bismarck, ND 58505

Case No. 2:18-cv-03277

CAFA Notice - Attachment A - Service List

Doug Peterson  
Office of the Attorney General  
2115 State Capitol  
Lincoln, NE 68509

Gordon MacDonald  
Office of the Attorney General  
NH Department of Justice  
33 Capitol St.  
Concord, NH 03301

Gurbir S. Grewal  
Office of the Attorney General  
Richard J. Hughes Justice Complex  
25 Market St 8th Fl, West Wing  
Trenton, NJ 08611

Hector Balderas  
Office of the Attorney General  
408 Galisteo Street  
Villagra Building  
Santa Fe, NM 87501

Aaron Ford  
Office of the Attorney General  
Old Supreme Court Building  
100 N Carson St  
Carson City, NV 89701

CAFA Coordinator  
Office of the Attorney General  
28 Liberty St  
15th Fl  
New York, NY 10005

Dave Yost  
Attorney General's Office  
State Office Tower  
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Columbus, OH 43215

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Office of the Attorney General  
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Oklahoma City, OK 73105

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Oregon Department of Justice  
1162 Court St NE  
Salem, OR 97301

Josh Shapiro  
PA Office of the Attorney General  
Strawberry Square 16th Fl  
Harrisburg, PA 17120

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Office of the Attorney General  
150 S Main St  
Providence, RI 02903

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Office of the Attorney General  
Rembert C. Dennis Bldg  
1000 Assembly St Rm 519  
Columbia, SC 29201

Jason Ravensborg  
Office of the Attorney General  
1302 E Highway 14  
Ste 1  
Pierre, SD 57501

Herbert H. Slatery, III  
Office of the Attorney General  
301 6th Ave N  
Nashville, TN 37243

Case No. 2:18-cv-03277

CAFA Notice - Attachment A - Service List

Ken Paxton  
Office of the Attorney General  
300 W. 15th St  
Austin, TX 78701

Sean D. Reyes  
Office of the Attorney General  
Utah State Capitol Complex  
350 North State St Ste 230  
Salt Lake City, UT 84114

Mark R. Herring  
Office of the Attorney General  
202 N. Ninth St.  
Richmond, VA 23219

T.J. Donovan  
Attorney General's Office  
109 State St.  
Montpelier, VT 05609

Bob Ferguson  
Office of the Attorney General  
1125 Washington St SE  
Olympia, WA 98501

Josh Kaul  
Attorney General's Office  
114 E State Capitol  
Madison, WI 53702

Patrick Morrissey  
Office of The Attorney General  
State Capitol, 1900 Kanawha Blvd E  
Building 1 Rm E-26  
Charleston, WV 25305

Bridget Hill  
Office of the Attorney General  
Kendrick Building  
2320 Capitol Ave  
Cheyenne, WY 82002

Karl A. Racine  
Office of the Attorney General  
441 4th St NW  
Suite 1100  
Washington, DC 20001

William Barr  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

Talauega Eleasalo V. Ale  
Department of Legal Affairs  
A.P. Lutali Exec Ofc Bldg, 3rd Fl  
Utulei  
Pago Pago, AS 96799

Leevin Taitano Camacho  
Office of the Attorney General  
Administration Division  
590 S Marine Corps Dr, Suite 901  
Tamuning, GU 96913

Edward Manibusan  
Office of the Attorney General  
Administration Building  
P.O. Box 10007  
Saipan, MP 96950

Dennise Noemí Longo Quiñones  
Dpto. de Justicia de Puerto Rico  
Calle Teniente César González 677  
Esq. Ave. Jesús T. Piñero  
San Juan, PR 00918

**CAFA Notice - Attachment A - Service List**

Denise N. George  
Office of the Attorney General  
34-38 Kronprindsens Gade  
GERS Building 2nd Fl  
St. Thomas, VI 00802

Joses R. Gallen  
Department of Justice  
P.O. Box PS-105  
Palikir  
Pohnpei State, FM 96941

Office of the Attorney General  
P.O. Box 890  
Majuro, MH 96960

Ernestine K. Rengiil  
Office of the Attorney General  
P.O. Box 1365  
Koror, PW 96939

# **EXHIBIT B**

**A FEDERAL COURT ORDERED THIS NOTICE.**

*Shabani Stewart, et al. v. Early Warning Services, LLC*

United States District Court, District of New Jersey,  
Civil Action No. 2:18-cv-03277-CCC-SCM

A class action lawsuit has settled, and we are sending this to you to explain how this settlement will affect you.

**Nature of this Action.** The Plaintiff alleges the Defendant (“EWS”) violated the Fair Credit Reporting Act by failing to provide, upon a consumer’s request, the complete contents of all information in the consumer’s file at the time of such request. EWS denies any and all liability.

**Who is in the settlement?** The “(b)(2) Settlement” all natural persons residing in the United States who, from March 7, 2016 through February 21, 2020, requested from EWS the contents of their file maintained by EWS, where in response thereto, EWS provided to such consumer a “Summary File Disclosure.” Excluded from the (b)(2) Settlement Class are individuals who have previously released his or her claims against EWS, who had a record of a match in the Internal Fraud Prevention Service and the Judge overseeing the Litigation.

**What are the settlement terms?** EWS is changing its processes for providing file disclosures in response to consumer requests and will provide disclosures that include all information maintained in a consumer’s file that is used in a product or service that is subject to the FCRA. In exchange, everyone in the settlement is releasing their right to bring a claim against EWS for statutory or punitive damages, or a class action claim, relating to any violation of FCRA § 1681g (and any FCRA State Equivalent) and all claims based upon or related to the content, form, manner, or nature of the consumer disclosures provided in response to a consumer’s request for the contents of the consumer’s file.

**Binding Effect.** If the Court approves the settlement, it will be binding on you.

**Your right to an Attorney.** If you would like, you are entitled to appear in this matter through your own attorney at your expense. The Court will hold a hearing to evaluate the settlement on **June 22, 2020**.

**Can you object to the settlement?** Yes. To object, you must send a letter stating that you object to the settlement in *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail your objection to all these three different places, postmarked by **May 11, 2020**:

*THE COURT*

**Clerk of the Court**

United States District Court  
District of New Jersey  
50 Walnut Street Room 4015  
Newark, NJ 07101

*CLASS COUNSEL*

**Gabriel Y. Posner**

Posner Law PLLC  
270 Madison Ave., Ste. 1203  
New York, NY 10016

*DEFENSE COUNSEL*

**Cindy D. Hanson**

Troutman Sanders LLP  
600 Peachtree St. NE, Ste. 3000  
Atlanta, GA 30308

**This is only a short form notice. For additional important information, including a long form notice, please visit [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). Additional information is also available by calling 1-888-964-1158.**



**A FEDERAL COURT ORDERED THIS NOTICE.**

*Shabani Stewart, et al. v. Early Warning Services, LLC*

United States District Court, District of New Jersey, Civil Action No. 2:18-cv-03277-CCC-SCM

**THIS NOTICE IS IMPORTANT TO YOU BECAUSE YOU MAY HAVE RECEIVED  
A FILE DISCLOSURE FROM EARLY WARNING SERVICES, LLC  
AND YOUR FILE MAY HAVE CONTAINED A FRAUD RECORD.**

**YOU COULD GET MONEY FROM A CLASS ACTION SETTLEMENT.**

**A class action lawsuit has settled, and we are sending this to you to explain  
how this settlement will affect you.**

- The Court has ordered this notice to be sent to you because records show that you requested a file disclosure from Early Warning Services, LLC (“EWS” or the “Defendant”) and EWS sent you a “File Disclosure.” Your EWS file may have contained a Fraud Record, but the disclosure EWS sent you did not use the word “fraud.”
- If you participate in this settlement, you will automatically be paid a settlement amount of approximately \$59.
- You have other important rights in connection with this settlement, as detailed below.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>DO NOTHING</b>	If the Court approves the settlement, a check in an amount of approximately \$59 will be mailed to you. You do not need to submit a claim form or otherwise take any action. You will also give up your right to object to the Settlement and you will not be able to be a part of any other lawsuit about the legal claims in this case.
<b>EXCLUDE YOURSELF</b>	<p>If you want to exclude yourself from this case, you must submit an opt-out form. You will not receive any money. Your request to exclude yourself from the settlement must be postmarked by <b>May 11, 2020</b>. Opt-out forms must be submitted individually. Enclosed is an opt-out form for your signature. <b>If you wish to receive money, then do not mail in the form.</b></p> <p>If you exclude yourself, you remove yourself from participation in this class action and do not receive a benefit from this settlement. However, you retain any right to file a separate lawsuit against the Defendant. If you choose this option, it is important that you promptly speak to an attorney because of the time-sensitive nature of claims under the Fair Credit Reporting Act.</p>
<b>OBJECT</b>	You remain a class member, but you may write to the Court about why you do not like it. Your objection must be filed by <b>May 11, 2020</b> .

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still must decide whether to approve the settlement. Please be patient

**WHAT THIS NOTICE CONTAINS**

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**1. WHY DID I RECEIVE THIS NOTICE?**

You and other members of this class action are a part of the (b)(3) Settlement because you requested a copy of your file disclosure from Defendant and, while your EWS file may have contained a Fraud Record, the disclosure EWS sent you did not use the word “fraud.” The settlement of this claim is called the “(b)(3) Settlement.”

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, and your legal rights. Judge Claire C. Cecchi, of the United States District Court for the District of New Jersey, is overseeing this class action. The case is known as *Stewart v. Early Warning Services, LLC*, No. 2:18-cv-03277-CCC-SCM (the “Lawsuit”).

A Court authorized this notice to inform you about the proposed (b)(3) Settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to approve the (b)(3) Settlement. This notice is only a summary of the proposed (b)(3) Settlement. More details about the proposed (b)(3) Settlement are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com).

## 2. WHAT IS THIS LAWSUIT ABOUT?

Shabani Stewart (the “Plaintiff”) claims that the Defendant violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”) in connection with responding to consumer file disclosure requests.

In addition, the Plaintiff claims that members of the (b)(3) Settlement Class requested the contents of their files from EWS, and that EWS did not use the word “fraud” in disclosing Fraud Records in the disclosures it provided to these consumers.

EWS has denied all claims in the Lawsuit and contends that it acted lawfully and in compliance with the FCRA at all times. Despite denying liability and wrongdoing, EWS has decided it is in its best interest to settle the Lawsuit to avoid the burden, expense, risk, and uncertainty of continuing the Litigation.

In addition to the claim described above, Plaintiff Shabani Stewart and Defendant have reached a class settlement related to other allegations in the complaint. Specifically, Plaintiff also contends that EWS violated the FCRA by failing to provide, upon a consumer’s request, the complete contents of all information in the consumer’s file at the time of such request. The settlement of these other allegations is referred to as the “(b)(2) Settlement.” Based upon EWS’ records, you do not appear to be a member of the (b)(2) Settlement Class. Information about the (b)(2) Settlement can be found at [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com).

## 3. HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the (b)(3) Settlement Class and are affected by the settlement if you requested a copy of your file disclosure from the Defendant between March 7, 2016 and February 21, 2020, and if your resulting file disclosure indicated that the Defendant maintained a Fraud Record about you but the file disclosure did not use the term “Fraud.”

Specifically, for the purposes of settlement only, the Court has provisionally certified the (b)(3) Settlement Class defined as follows.

“(b)(3) Settlement Class” means all natural persons residing in the United States who, from March 7, 2016 through February 21, 2020, requested from EWS the contents of his or her file maintained by EWS, where EWS had, in such consumer’s file, at least one Fraud Record, where EWS in response to such request, provided a file disclosure to such consumer but where such file disclosure did not use the term “fraud.” Excluded from the (b)(3) Settlement Class are individuals who have previously released his or her claims against EWS, who had a record of a match in the Internal Fraud Prevention Service and the Judge overseeing the Litigation.

## 4. WHAT DOES THE SETTLEMENT PROVIDE?

The Defendant has agreed to pay \$3,975,000 (the “**(b)(3) Settlement Fund**”) for the benefit of the (b)(3) Settlement Class. Payments will be made by check to each class member in the amount of approximately \$59. Because the amount of each check is subject to a *pro rata* deduction from the Settlement Fund for attorneys’ fees and costs approved by the Court, the expected payment is the “net” amount stated above. This is an approximate amount and the amount that you actually receive could be less.

In addition, as part of the Settlement, Defendant will implement a new process by which Defendant will change the language it uses when disclosing a Shared Fraud record to a consumer to now include the word “fraud” in the disclosure.

## **5. HOW CAN I GET A BENEFIT?**

You do not need to do anything to receive a cash payment under this settlement. If the settlement is finally approved, you will automatically receive a payment, unless you have excluded yourself from the (b)(3) Settlement Class. The check will be mailed to the address appearing in the Defendant's records. If your address has changed or is changing, you may contact the Settlement Administrator at the address listed at the bottom of this notice.

## **6. WHEN WOULD I GET MY SETTLEMENT CHECK?**

The Court will hold a hearing on **June 22, 2020** to decide whether to approve the settlement. If the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year after Court approval. The progress of the settlement will be reported at the settlement website: [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). Please be patient.

## **7. WHAT DO I GIVE UP BY STAYING IN THE SETTLEMENT?**

Unless you exclude yourself, you are staying in the (b)(3) Settlement Class, which means that you cannot be part of any other lawsuit against the Defendant (or other parties released by the settlement) about the legal claims in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you do not exclude yourself from the Settlement Class, you will agree to a "Release of Claims," stated below, which describes exactly the legal claims that you give up if you receive settlement benefits. Basically, you are releasing your right to sue for any violation of federal or state law based on the manner, form and content of Defendant's file disclosure, and any claims that the Defendant did not disclose to you the contents of your file.

The "Release" contained in the Settlement Agreement states:

As of the Effective Date, all members of the Class fully, finally, completely, and forever release and discharged the Released Persons from any and all Claims, Liabilities, Proceedings and Relief that arose on or before the Effective Date and that any Class Member had, now has, or may have in the future under 15 U.S.C. 1681g (and any FCRA State Equivalent) or is based upon or related to the content, form, manner or nature of the consumer disclosure provided to the Class Member in response to his or her request to EWS for the contents of his or her file.

The full release and list of released parties may be found at [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com) or by calling 1-888-964-1154 for assistance.

## **8. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?**

If you do not want a benefit from this settlement, but you want to maintain your right to sue or continue to sue the Defendant on your own about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is sometimes referred to as "opting out" of the Settlement Class. Opting out gives you the right to bring your own lawsuit but does not guarantee that your own lawsuit will be successful.

You may "opt out" or exclude yourself from the settlement as explained below.

**REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE MAY 11, 2020  
WILL NOT BE HONORED.**

You cannot exclude yourself by telephone or by e-mail. You also cannot exclude yourself by mailing a request to any location other than that specified below or by mailing a request after the deadline. You also cannot exclude yourself as part of a group, aggregate, or class involving more than one consumer.

If you exclude yourself, you should promptly consult your own attorney about your rights as the time to file an individual lawsuit is limited.

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, and telephone number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than **May 11, 2020** to:

Exclusion Requests – Stewart v. Early Warning Services, LLC Settlement  
c/o JND Legal Administration  
PO Box 91365  
Seattle, WA 98111

**9. IF I DO NOT EXCLUDE MYSELF, CAN I SUE THE DEFENDANT FOR THE SAME THING LATER?**

No. Unless you exclude yourself, you give up the right to sue the Defendant for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from *this* class action to continue your own lawsuit. Remember, your Exclusion Request must be postmarked by **May 11, 2020**.

**10. IF I EXCLUDE MYSELF, CAN I GET ANY MONETARY BENEFIT FROM THE SETTLEMENT?**

No.

**11. DO I HAVE A LAWYER IN THE CASE?**

The Plaintiff retained **Gabriel Y. Posner of Posner Law PLLC**, 270 Madison Avenue, Suite 1203, New York, NY 10016 to represent her. In connection with the preliminary approval of the settlement, the Court appointed this attorney to represent you and other members of the (b)(3) Settlement Class. This attorney is called “**Class Counsel**.” This lawyer will not separately charge you for his work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

**12. HOW WILL THE LAWYERS BE PAID?**

Class Counsel will ask the Court for an award of attorneys’ fees and costs and expenses incurred in this matter for work performed representing the (b)(3) Class, which the Defendant has agreed to pay as part of the Settlement Fund, with Class Counsel requesting no more than \$740,000 for work performed representing the (b)(3) Class. Additionally, Class Counsel will request additional amounts for work performed representing the (b)(2) Class. However, the Court may ultimately award less than the requested amounts. The attorneys representing the class have handled this case on a contingency basis. To date, they have not been paid anything for their work, and they have paid all of the litigation costs out-of-pocket, without any reimbursement. Class Counsel will be required to submit a fee request to the court demonstrating why the fee they are seeking is reasonable. This petition will be available on the Settlement Website no later than the business day after it is filed.

(b)(3) Class Members do not have to pay any attorneys’ fees in connection with the settlement.

**13. IS THE PLAINTIFF ENTITLED TO A SEPARATE PAYMENT?**

The Plaintiff found a lawyer to represent her and the (b)(3) Settlement Class, litigated this case, participated in discovery, and participated in settlement negotiations. As compensation for her work on behalf of the (b)(3) Class Members, the Plaintiff will ask the Court to approve a payment to her of an amount not to exceed \$3,750. Additionally, for her work on behalf of the (b)(2) Class, Plaintiff will request compensation of an additional \$3,750. The Court may ultimately award less than the requested amount.

**14. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?**

If you are a (b)(3) Settlement Class Member, you can object to the settlement if you do not think any part of the settlement is fair, reasonable, or adequate. You can and should explain the detailed reasons why you think that the Court should not approve the settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter stating that you object to the settlement in *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail the foregoing to these three different places postmarked by **May 11, 2020**:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court United States District Court District of New Jersey 50 Walnut Street Room 4015 Newark, NJ 07101	Gabriel Y. Posner 270 Madison Avenue Suite 1203 New York, NY 10016	Cindy D. Hanson TROUTMAN SANDERS LLP 600 Peachtree St. NE Suite 3000 Atlanta, GA 30308

There are additional requirements necessary for your attorney if you retain one. These are available as stated in the Settlement Agreement and Preliminary Approval Order.

**15. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?**

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you remain in the (b)(3) Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the (b)(3) Settlement Class. If you exclude yourself, you have no basis to object to this settlement because the case no longer affects you.

**16. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?**

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

The Court will hold a fairness hearing on **June 22, 2020 at 10:00 AM** in Courtroom MLK 2B of the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, NJ 07101. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests to speak at the hearing. The Court may also decide the amount that Class Counsel and the Plaintiff will be paid. After the hearing, the Court will decide whether to finally approve the settlement. The time, date, and location of the hearing may change without further notice to you.



### **17. DO I HAVE TO COME TO THE HEARING?**

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense if you so desire. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### **18. MAY I SPEAK AT THE HEARING?**

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Stewart v. Early Warning Services, LLC*.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be sent to the Clerk of Court, Class Counsel, and Defense Counsel, at the three addresses previously provided in Section 14, and must be received by **May 11, 2020**. You cannot speak at the hearing if you have excluded yourself.

### **19. HOW DO I GET MORE INFORMATION?**

You can visit the website at [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). You may call the Settlement Administrator at 1-888-964-1154 or you can write to the Settlement Administrator, Stewart v. Early Warning Services, LLC Settlement, c/o JND Legal Administration, PO Box 91365, Seattle, WA 98111. You may also access the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.njd.uscourts.gov/cgi-bin/ShowIndex.pl>; or by visiting the office of the Clerk of the Court for the United States District Court for the District of New Jersey, 50 Walnut Street, Room 4015, Newark, NJ 07101, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

**PLEASE DO NOT CALL THE COURT, THE CLERK, OR THE DEFENDANT  
REGARDING THIS SETTLEMENT.**





**Exclusion Request –Stewart Settlement Administrator**  
**Receive No Settlement Benefits**

**(If you choose this option, you will not receive a settlement check)**

To exclude yourself from the settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of the *Stewart v. Early Warning Services, LLC* case. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, and telephone number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature.

You must mail your Exclusion Request so that it is postmarked no later than **May 11, 2020** to:

Exclusion Requests – Stewart v. Early Warning Services, LLC Settlement  
c/o JND Legal Administration  
PO Box 91365  
Seattle, WA 98111

**Exclusion Request – Stewart Settlement Administrator**

FILL OUT AND RETURN THIS FORM **ONLY** IF YOU WISH TO EXCLUDE YOURSELF FROM THE SETTLEMENT. IF YOU WISH TO PARTICIPATE IN THE SETTLEMENT, DO NOT RETURN THIS FORM.

☐

I am opting out of the settlement in *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM.

Full Name:	
Current Address:	
Phone Number:	

\_\_\_\_\_  
Signature

**A FEDERAL COURT ORDERED THIS NOTICE.***Shabani Stewart, et al. v. Early Warning Services, LLC*

United States District Court, District of New Jersey, Civil Action No. 2:18-cv-03277-CCC-SCM

**THIS NOTICE IS IMPORTANT TO YOU BECAUSE YOU MAY HAVE RECEIVED  
A SUMMARY FILE DISCLOSURE FROM EARLY WARNING SERVICES, LLC  
AND YOUR FILE MAY HAVE CONTAINED A FRAUD RECORD.****YOU COULD GET MONEY FROM A CLASS ACTION SETTLEMENT.****A class action lawsuit has settled, and we are sending this to you to explain  
how this settlement will affect you.**

- The Court has ordered this notice to be sent to you because records show that you requested a file disclosure from Early Warning Services, LLC (“EWS” or the “Defendant”), and EWS sent you a “Summary File Disclosure” and provided you with the option to request a “Comprehensive File Disclosure” that may have contained additional information. In addition, records show your EWS file may have contained a Fraud Record, but the disclosure EWS sent you did not use the word “fraud”.
- If you participate in this settlement, you will automatically be paid a settlement amount of approximately \$59.
- You have other important rights in connection with this settlement, as detailed below.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<b>DO NOTHING</b>	If the Court approves the settlement, a check in an amount of approximately \$59 will be mailed to you. You do not need to submit a claim form or otherwise take any action. You will also give up your right to object to the Settlement and you will not be able to be a part of any other lawsuit about the legal claims in this case.
<b>EXCLUDE YOURSELF</b>	<p>As described below, you are a member of two Settlement Classes. If you want to exclude yourself from the (b)(3) Settlement Class, you must submit an opt-out form. You will not receive any money. Your request to exclude yourself from the settlement must be postmarked by <b>May 11, 2020</b>. Opt-out forms must be submitted individually. Enclosed is an opt-out form for your signature. <b>If you wish to receive money, then do not mail in the form.</b></p> <p>If you exclude yourself, you remove yourself from participation in the (b)(3) Settlement Class and do not receive a benefit from the (b)(3) Settlement. However, you retain certain rights to file a separate lawsuit against the Defendant. If you choose this option, it is important that you promptly speak to an attorney because of the time-sensitive nature of claims under the Fair Credit Reporting Act.</p> <p>You are also a member of the (b)(2) Settlement Class. <b>You cannot exclude yourself from the (b)(2) Settlement Class or the (b)(2) Settlement.</b></p>
<b>OBJECT</b>	You remain a class member, but you may write to the Court about why you do not like the settlement. Your objection must be filed by <b>May 11, 2020</b> .

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still must decide whether to approve the settlement. Please be patient.

**WHAT THIS NOTICE CONTAINS**

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**1. WHY DID I RECEIVE THIS NOTICE?**

You received a notice because you and other members of this class action are a part of two Settlements: the (b)(2) Settlement and (b)(3) Settlement.

You and other members of this class action are a part of the (b)(2) Settlement because you requested a copy of your file disclosure from EWS, and received a “Summary File Disclosure” from EWS and you were provided with the option to request a “Comprehensive File Disclosure” that may have contained additional information.

In addition, you and other members of this class action are a part of the (b)(3) Settlement because you requested a copy of your file disclosure from Defendant and, while your EWS file may have contained a Fraud Record, the disclosure EWS sent you did not use the word “fraud.” The settlement of this claim is called the “(b)(3) Settlement.”

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, and your legal rights. Judge Claire C. Cecchi, of the United States District Court for the District of New Jersey, is overseeing this class action. The case is known as *Stewart v. Early Warning Services, LLC*, No. 2:18-cv-03277-CCC-SCM (the “Lawsuit”).

A Court authorized this notice to inform you about the proposed (b)(2) and (b)(3) Settlements and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to approve the (b)(2) Settlement and (b)(3) Settlement. This notice is only a summary of the proposed (b)(2) and (b)(3) Settlements. More details about the proposed (b)(2) and (b)(3) Settlements are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com).

**2. WHAT IS THIS LAWSUIT ABOUT?**

Shabani Stewart (the “Plaintiff”) claims the Defendant violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”) in connection with responding to consumer file disclosure requests. The Plaintiff contends EWS violated the FCRA by failing to provide, upon a consumer’s request, the complete contents of all information in the consumer’s file at the time of such request.

The Plaintiff asserts that members of the (b)(2) Settlement Class requested the contents of their files from EWS, and EWS responded by providing a “Summary File Disclosure” and provided members of the Settlement Class with the option to request a “Comprehensive File Disclosure,” that may have contained additional information.

In addition, the Plaintiff claims that members of the (b)(3) Settlement Class requested the contents of their files from EWS, and that EWS did not use the word “fraud” in disclosing Fraud Records in the disclosures it provided to these consumers.

EWS has denied all claims in the Lawsuit and contends that it acted lawfully and in compliance with the FCRA at all times. Despite denying liability and wrongdoing, EWS has decided it is in its best interest to settle the Lawsuit to avoid the burden, expense, risk, and uncertainty of continuing the Litigation.

### 3. HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the (b)(2) and (b)(3) Settlement Classes and are affected by the settlement if:

1. You requested a copy of your file disclosure from the Defendant between March 7, 2016 and February 21, 2020;
2. if you received a “Summary File Disclosure”; and
3. if your resulting file disclosure indicated that the Defendant maintained a Fraud Record about you but the file disclosure did not use the word “fraud.”

EWS’ records indicated you are a member of both the (b)(2) and (b)(3) Settlement Classes.

Specifically, for the purposes of settlement only, the Court has provisionally certified the following (b)(2) Settlement Class:

“(b)(2) Class” means all natural persons residing in the United States who, from March 7, 2016 through February 21, 2020, requested from EWS the contents of their file maintained by EWS, where in response thereto, EWS provided to such consumer a “Summary File Disclosure.” Excluded from the (b)(2) Settlement Class are individuals who have previously released his or her claims against EWS, who had a record of a match in the Internal Fraud Prevention Service and the Judge overseeing the Litigation.

Specifically, for the purposes of settlement only, the Court has provisionally certified the (b)(3) Settlement Class defined as follows.

“(b)(3) Settlement Class” means all natural persons residing in the United States who, from March 7, 2016 through February 21, 2020, requested from EWS the contents of his or her file maintained by EWS, where EWS had, in such consumer’s file, at least one Fraud Record, where EWS in response to such request, provided a file disclosure to such consumer but where such file disclosure did not use the term “fraud.” Excluded from the (b)(3) Settlement Class are individuals who have previously released his or her claims against EWS, who had a record of a match in the Internal Fraud Prevention Service and the Judge overseeing the Litigation.

### 4. WHAT DOES THE SETTLEMENT PROVIDE?

#### (b)(2) Settlement

The benefits for the (b)(2) Class Members fall under the category of injunctive relief. An injunction occurs when a court orders a person to do or not to do something – in this case changes certain of Defendant’s business practice.

**Process Changes.** As part of the Settlement, Defendant will implement a new process by which Defendant will provide a single file disclosure in response to a consumer request for a disclosure under 15 U.S.C. § 1681g, which disclosure will include all information maintained in a consumer’s file that is used in a product or service that is subject to the FCRA.

(b)(2) Settlement Class Members do not have to pay or buy anything, register, or provide any information to benefit from the changes in business practice provided by the Settlement Agreement. **There will be no payments to the (b)(2) Class Members.**

#### (b)(3) Settlement

The Defendant has agreed to pay \$3,975,000 (the “**(b)(3) Settlement Fund**”) for the benefit of the (b)(3) Settlement Class. Payments will be made by check to each class member in the amount of approximately \$59. Because the amount of each check is subject to a *pro rata* deduction from the Settlement Fund for attorneys’ fees and costs approved by the

Court, the expected payment is the “net” amount stated above. This is an approximate amount and the amount that you actually receive could be less.

In addition, as part of the Settlement, Defendant will implement a new process by which Defendant will revise the language it uses when disclosing a Shared Fraud record to a consumer to include the word “fraud” in the disclosure.

**BECAUSE YOU ARE A MEMBER OF BOTH THE (b)(2) AND (b)(3) SETTLEMENT CLASSES, YOU ARE ENTITLED TO RECEIVE THE PAYMENT FROM THE (b)(3) SETTLEMENT FUND DESCRIBED ABOVE, AS LONG AS YOU DO NOT OPT-OUT FROM THE (b)(3) SETTLEMENT.**

## 5. HOW CAN I GET A BENEFIT?

You do not need to do anything to receive a cash payment under this settlement. If the settlement is finally approved, and you do not exclude yourself from the (b)(3) Settlement Class, you will automatically receive a payment. The check will be mailed to the address appearing in the Defendant’s records. If your address has changed or is changing, you may contact the Settlement Administrator at the address listed at Question 19.

## 6. WHEN WOULD I GET MY SETTLEMENT CHECK?

The Court will hold a hearing on **June 22, 2020** to decide whether to approve the settlement. If the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year after Court approval. The progress of the settlement will be reported at the settlement website: [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). Please be patient.

## 7. WHAT DO I GIVE UP BY STAYING IN THE SETTLEMENT?

By doing nothing and staying in the Settlement Classes, you will be giving up your right to object to the Settlement and you will not be able to be a part of any other lawsuit about the legal claims in this case.

### (b)(2) Settlement Class:

**You cannot exclude yourself from the (b)(2) Settlement Class.** If the proposed (b)(2) Settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against the Defendant for statutory or punitive money damages relating to any violation of FCRA § 1681g (and any FCRA State Equivalent) and all claims based upon or related to the content, form, manner, or nature of the consumer disclosures provided in response to a consumer’s request for the contents of the consumer’s file. This means you cannot seek, or continue to seek, statutory or punitive damages based on any of the Defendant’s alleged violations of the FCRA § 1681g (and any FCRA State Equivalent) or any claim based upon or related to the content, form, manner, or nature of the consumer disclosures provided in response to a consumer’s request for the contents of the consumer’s file. You will be giving up all such claims, whether or not you know about them. However, the (b)(2) Settlement does not release any claims you may have for actual damages against the Defendant.

(b)(2) Settlement Class Members also waive their right to pursue, in the future, any claims, liabilities, proceedings, or relief against Defendant and the released parties using the class action procedural device, as a mass action, private attorney general action or through any other non-individual mechanism, to the extent the claim, liability, proceeding, or relief alleges a violation of 15 U.S.C. § 1681g (or any FCRA State Equivalent) or is based upon or related to the content, form, manner or nature of consumer disclosures provided to the Class Member in response to his or her request to Defendant for the contents of his or her file.

### (b)(3) Settlement Class:

If you stay in the Settlement and do not exclude yourself from the (b)(3) Settlement Class, you cannot be part of any other lawsuit against the Defendant (or other parties released by the settlement) about the legal claims in this case. It also means that all of the Court’s orders will apply to you and legally bind you. You will agree to a “Release of Claims,” stated below, which describes exactly the legal claims that you may give up. Basically, you are releasing your right to sue for any violation of federal or state law based on the manner, form and content of Defendant’s file disclosure, and any claims that the Defendant did not disclose to you the contents of your file.

The (b)(3) “Release” contained in the Settlement Agreement states:

As of the Effective Date, all members of the Class fully, finally, completely, and forever release and discharged the Released Persons from any and all Claims, Liabilities, Proceedings and Relief that arose



on or before the Effective Date and that any Class Member had, now has, or may have in the future under 15 U.S.C. 1681g (and any FCRA State Equivalent) or is based upon or related to the content, form, manner or nature of the consumer disclosure provided to the Class Member in response to his or her request to EWS for the contents of his or her file.

The full release and list of released parties may be found at [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com) or by calling 1-888-964-1154 for assistance.

**If you decide to exclude yourself from the (b)(3) Settlement Class, you will still remain a member of the (b)(2) Settlement Class.**

The precise terms of the release and agreements are explained in the Settlement Agreement, which you can view on the Settlement website, [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com).

The Court's decision in this case will apply to you even if you object to the (b)(2) Settlement or have any other claim, lawsuit, or proceeding pending against the Defendant or any of the Released Parties relating to the same claims. If you have any questions about the release, then you should visit the Settlement website, [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com), for more information or consult with a lawyer. See Question 9. below for more information about seeking legal advice about the Settlement.

## **8. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?**

If you do not want to remain a member of the (b)(3) Settlement Class, but you want to maintain your right to sue or continue to sue the Defendant for actual damages on your own, you must take steps to exclude yourself from the (b)(3) Settlement Class. This is sometimes referred to as "opting out" of the Settlement Class. Opting out gives you the right to bring your own lawsuit but does not guarantee that your own lawsuit will be successful.

You may "opt out" or exclude yourself from the (b)(3) Settlement as explained below.

**REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE MAY 11, 2020 WILL NOT BE HONORED.**

You cannot exclude yourself by telephone or by e-mail. You also cannot exclude yourself by mailing a request to any location other than that specified below or by mailing a request after the deadline. You also cannot exclude yourself as part of a group, aggregate, or class involving more than one consumer.

If you exclude yourself, you should promptly consult your own attorney about your rights as the time to file an individual lawsuit is limited.

To exclude yourself from the (b)(3) Settlement, you must complete the attached Exclusion Request, selecting "I am opting out" where indicated, or send a letter stating that you want to be excluded from the settlement of *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, and telephone number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than **May 11, 2020** to:

Exclusion Requests – Stewart v. Early Warning Services, LLC Settlement  
c/o JND Legal Administration  
PO Box 91365  
Seattle, WA 98111

**You cannot exclude yourself from the (b)(2) Settlement.** The proposed (b)(2) Settlement requires the Defendant to make substantial revisions to its business processes and implement procedures to ensure it changes its business practices to benefit all (b)(2) Class Members, equally. As explained in Question 4, this type of benefit is injunctive. Under this type of class action, you cannot exclude yourself from the (b)(2) Settlement Class or the (b)(2) Settlement.

## **9. IF I DO NOT EXCLUDE MYSELF, CAN I SUE THE DEFENDANT FOR THE SAME THING LATER?**

No. Unless you exclude yourself, you give up the right to sue the Defendant for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from *this* class action to continue your own lawsuit. Remember, your Exclusion Request must be postmarked by May 11 2020.

**10. IF I EXCLUDE MYSELF, CAN I GET ANY MONETARY BENEFIT FROM THE SETTLEMENT?**

No.

**11. DO I HAVE A LAWYER IN THE CASE?**

The Plaintiff retained **Gabriel Y. Posner of Posner Law PLLC**, 270 Madison Avenue, Suite 1203, New York, NY 10016 to represent her. In connection with the preliminary approval of the settlement, the Court appointed this attorney to represent you and other members of the (b)(2) and (b)(3) Settlement Classes. This attorney is called “**Class Counsel**.” This lawyer will not separately charge you for his work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

**12. HOW WILL THE LAWYERS BE PAID?**

Class Counsel will ask the Court for an award of attorneys’ fees and costs and expenses incurred in this matter, which the Defendant has agreed to pay as part of the Settlement Fund, with Class Counsel requesting no more than \$925,000. However, the Court may ultimately award less than this amount. The attorneys representing the class have handled this case on a contingency basis. To date, they have not been paid anything for their work, and they have paid all of the litigation costs out-of-pocket, without any reimbursement. Class Counsel will be required to submit a fee request to the court demonstrating why the fee they are seeking is reasonable. This petition will be available on the Settlement Website no later than the business day after it is filed.

(b)(2) and (b)(3) Settlement Class Members do not have to pay any attorneys’ fees in connection with the settlement.

**13. IS THE PLAINTIFF ENTITLED TO A SEPARATE PAYMENT?**

The Plaintiff found a lawyer to represent her and the (b)(2) and (b)(3) Settlement Classes, litigated this case, participated in discovery, and participated in settlement negotiations. As compensation for her work on behalf of the (b)(2) and (b)(3) Class Members, the Plaintiff will ask the Court to approve a payment to her of a total amount not to exceed \$7,500. The Court may ultimately award less than the requested amount.

**14. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?**

You can object to either or both the (b)(2) Settlement or the (b)(3) Settlement, if you do not think any part of the settlement is fair, reasonable, or adequate. You can and should explain the detailed reasons why you think that the Court should not approve the settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter stating that you object to the settlement in *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail the foregoing to these three different places postmarked by **May 11, 2020**:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court United States District Court District of New Jersey 50 Walnut Street Room 4015 Newark, NJ 07101	Gabriel Y. Posner 270 Madison Avenue Suite 1203 New York, NY 10016	Cindy D. Hanson TROUTMAN SANDERS LLP 600 Peachtree St. NE Suite 3000 Atlanta, GA 30308

There are additional requirements necessary for your attorney if you retain one. These are available as stated in the Settlement Agreement and Preliminary Approval Order.

#### 15. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?

Objecting is simply telling the Court that you do not like something about the settlement. You can object to the (b)(3) Settlement only if you remain in the (b)(3) Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the (b)(3) Settlement Class. If you exclude yourself, you have no basis to object to the (b)(3) Settlement because it no longer affects you. However, even if you exclude yourself from the (b)(3) Settlement, you can still object to the (b)(2) Settlement.

#### 16. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

The Court will hold a fairness hearing on **June 22, 2020 at 10:00AM** in Courtroom MLK 2B of the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, NJ 07101. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests to speak at the hearing. The Court may also decide the amount that Class Counsel and the Plaintiff will be paid. After the hearing, the Court will decide whether to finally approve the settlement. The time, date, and location of the hearing may change without further notice to you.

#### 17. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense if you so desire. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

#### 18. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Stewart v. Early Warning Services, LLC*." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be sent to the Clerk of Court, Class Counsel, and Defense Counsel, at the three addresses previously provided in Section 14, and must be received by **May 11, 2020**. You cannot speak at the hearing if you have excluded yourself.

#### 19. HOW DO I GET MORE INFORMATION?

You can visit the website at [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). You may call the Settlement Administrator at 1-888-964-1154. Or you can write to the Settlement Administrator, Stewart v. Early Warning Services, LLC Settlement, c/o JND Legal Administration, PO Box 91365, Seattle, WA 98111. You may also access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.njd.uscourts.gov/cgi-bin/ShowIndex.pl>; or by visiting the office of the Clerk of the Court for the United States District Court for the District of New Jersey, 50 Walnut Street, Room 4015, Newark, NJ 07101, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

**PLEASE DO NOT CALL THE COURT, THE CLERK, OR THE DEFENDANT  
REGARDING THIS SETTLEMENT.**





**Exclusion Request –Stewart Settlement Administrator**  
**Receive No Monetary Settlement Benefits**

**(If you choose this option, you will not receive a settlement check)**

To exclude yourself from the (b)(3) Settlement, you must complete the attached Exclusion Request, selecting “I am opting out” where indicated, or send a letter stating that you want to be excluded from the settlement of the *Stewart v. Early Warning Services, LLC* case. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, and telephone number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature.

You must mail your Exclusion Request so that it is postmarked no later than **May 11, 2020** to:

Exclusion Requests – Stewart v. Early Warning Services, LLC Settlement  
c/o JND Legal Administration  
PO Box 91365  
Seattle, WA 98111

**Exclusion Request – Stewart Settlement Administrator**

FILL OUT AND RETURN THIS FORM **ONLY** IF YOU WISH TO EXCLUDE YOURSELF FROM THE SETTLEMENT. IF YOU WISH TO PARTICIPATE IN THE SETTLEMENT, DO NOT RETURN THIS FORM.

☐

I am opting out of the settlement in *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM.

Full Name:	
Current Address:	
Phone Number:	

\_\_\_\_\_  
Signature

# EXHIBIT C

*Shabani Stewart, et al. v. Early  
Warning Services, LLC*

United States District Court, District of New Jersey,  
Civil Action No. 2:18-cv-03277-CCC-SCM

A class action lawsuit has settled, and we are sending this to you to explain how this settlement will affect you.

**Nature of this Action.** The Plaintiff alleges the Defendant (“EWS”) violated the Fair Credit Reporting Act by failing to provide, upon a consumer’s request, the complete contents of all information in the consumer’s file at the time of such request. EWS denies any and all liability.

**Who is in the settlement?** The “(b)(2) Settlement” all natural persons residing in the United States who, from March 7, 2016 through February 21, 2020, requested from EWS the contents of their file maintained by EWS, where in response thereto, EWS provided to such consumer a “Summary File Disclosure.” Excluded from the (b)(2) Settlement Class are individuals who have previously released his or her claims against EWS, who had a record of a match in the Internal Fraud Prevention Service and the Judge overseeing the Litigation.

*Shabani Stewart, et al. v.  
Early Warning Services, LLC*  
c/o JND Legal Administration  
PO Box 91365  
Seattle, WA 98111

<Name>

<Address1>

<Address2>

<City>, <State> <Zip>

<Country>

What are the settlement terms? EWS is changing its processes to provide all disclosures in response to consumer requests and will provide disclosures that include all information maintained in a consumer's file that is used in a product or service that is subject to the FCRA. In exchange, everyone in the settlement is releasing their right to bring a claim against EWS for statutory or punitive damages, or a class action claim, relating to any violation of FCRA § 1681g (and any FCRA State Equivalent) and all claims based upon or related to the content, form, manner, or nature of the consumer disclosures provided in response to a consumer's request for the contents of the consumer's file.

**Binding Effect.** If the Court approves the settlement, it will be binding on you.

**Your right to an Attorney.** If you would like, you are entitled to appear in this matter through your own attorney at your expense. The Court will hold a hearing to evaluate the settlement on **June 22, 2020**.

**Can you object to the settlement?** Yes. To object, you must send a letter stating that you object to the settlement in *Stewart v. Early Warning Services, LLC*. Be sure to include: (1) the name of this lawsuit, *Stewart v. Early Warning Services, LLC*, Civil Action No. 2:18-cv-03277-CCC-SCM; (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position; and (4) signed verification of membership in the Settlement Class. Mail your objection to all these three different places, postmarked by **May 11, 2020**:

*THE COURT*

**Clerk of the Court**

United States District Court  
District of New Jersey  
50 Walnut Street Room 4015  
Newark, NJ 07101

*CLASS COUNSEL*

**Gabriel Y. Posner**

Posner Law PLLC  
270 Madison Ave., Ste. 1203  
New York, NY 10016

*DEFENSE COUNSEL*

**Cindy D. Hanson**

Troutman Sanders LLP  
600 Peachtree St. NE, Ste. 3000  
Atlanta, GA 30308

**This is only a short form notice. For additional important information, including a long form notice, please visit [www.FileDisclosureFCRASettlement.com](http://www.FileDisclosureFCRASettlement.com). Additional information is also available by calling 1-888-964-1158.**

# EXHIBIT D

Case No. 2:18-cv-03277

Opt-Outs Received

	JND ID	Full Name	Status
1	127497	STANLEY ROSENZWEIG	VALID
2	130664	LATONYA GIBSON	VALID
3	131680	GREGORY STREET	VALID
4	135338	RAJINDER MANN	VALID
5	137861	TANISHA CANE	VALID
6	140147	RAMOND ROBINSON	VALID
7	142225	RY CHAM	VALID
8	143941	ABRAHAM KHOURI	VALID
9	147365	MATTHEW SOIFER	VALID
10	149116	JOSEPH GRANT	VALID
11	151222	JUWAN STEPHEN	VALID
12	154740	REYNALDO SALINAS	VALID
13	154907	EDUARDO GALINATO	VALID
14	157450	BENJAMIN NELLE	VALID
15	157679	DANISHA MACON	VALID
16	158298	RONALD PENN	VALID
17	158373	ESTEBAN ROLDAN BENITES	VALID
18	158644	DANIEL OGBONNA	VALID
19	165419	VIVITA LEJINA	VALID
20	168212	MERCURY ORPHY	VALID
21	172385	VALENTINO MORALES	VALID
22	175610	ADRIANE RESTO	VALID
23	175746	THOMAS LATKA	VALID
24	176668	DEBORAH LOCKETT	VALID
25	179365	PEDRO MARIA PEREZ	VALID
26	138684	ALNEESAH PORTER	INVALID
27	151899	JOSE ROMERO	INVALID
28	156870	DAVID SIMILIEN	INVALID
29	26646	JOHN DILLON	INVALID
30	113256	KAYLA DILLON	INVALID
31	110998	EAPHIE GEISSEL	INVALID